



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Nina Weisbroth
Chair

Stuart D. Rick
Vice Chair

May 25, 2012

Advisory Opinion 12-03-005

You have inquired whether a valuable prize awarded by a conference organizer at a computer security conference pursuant to a random drawing may be accepted by a Montgomery County Employee attending the conference. You present this question in the context of your name having recently been selected as a winner of such a prize at a conference: you were rendered ineligible for the prize as you were not present at the time of the drawing, which was a condition of the award of the prize. You have indicated that this is a recurring possibility for you and others in your Department who attend conferences where door prize drawings are frequently conducted.

While the Ethics Commission does not typically render opinions for moot circumstances – and this is a moot case because you did not in fact receive the prize – the Commission is sympathetic to the likelihood of the circumstance’s recurrence and considers it appropriate to answer your question as though it was not moot.

At the outset, the specific facts of the circumstances associated with receipt of a prize are critical to a determination of acceptability under the Public Ethics Law. The ethics law contains restrictions on certain gifts and other restrictions that could be triggered depending on the facts.

You indicated that the County pays \$3600 to send County employees to a particular conference each year. At this year’s conference, all conference attendees were entered into the drawing conducted by the Conference’s sponsor, and your name was picked out of a barrel to win an electronic tablet device worth approximately \$700. You state that since you were not present at the time of the drawing, you were disqualified from winning.

Pursuant to the facts you have submitted, you would not have been allowed to keep the prize if you had been in attendance to receive it. A gift is defined at section 19A-4(h) of the Public Ethics Law as constituting “the transfer of anything of economic value . . . without an exchange of consideration of at least equal value” The receipt of the drawing prize is a gift. Under Section 19A-16(c), public employees are prohibited from receiving gifts from certain parties, including a person that “does business with the county agency with which the public employee is affiliated.” Section 19A-4(e)(1) defines the term “doing business” as including “being a party

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with a County agency to a transaction that involves at least \$1000 during a year.” Since the entity operating the conference conducts at least \$1000 of business with your department in a year, you are prohibited from receiving a gift from that entity unless it falls within one of the exceptions to the gift prohibition at Section 19A-16(d). There is no exception that would apply to the type of valuable prize involved here.

For the Commission:

May 25, 2012

Date



Nina Weisbroth, Chair